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Report of the International Criminal Court

Letter dated 18 November 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a statement from the Ministry of Foreign Affairs of the Russian Federation on the decision of the Russian Federation not to become a party to the Rome Statute of the International Criminal Court (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly, under agenda item 72.

(*Signed*) P. **Iliichev**
Acting Permanent Representative

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Annex to the letter dated 18 November 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

Statement from the Ministry of Foreign Affairs of the Russian Federation

On 16 November 2016, the President of the Russian Federation signed the Decree on the decision of the Russian Federation not to become a party to the Rome Statute of the International Criminal Court. The requisite notification will be delivered to the depositary shortly.

Russia has been consistently advocating prosecution of those responsible for the most serious international crimes. It was instrumental in the establishment of the Nuremberg and Tokyo tribunals, participated in the development of the documents providing the foundation for combating serious international crimes including genocide, crimes against humanity and war crimes. It was for these very reasons of principle that Russia voted in favour of the adoption of the Rome Statute and signed it on 13 September 2000.

The international community had great expectations of the International Criminal Court, the first permanent international criminal judicial body, as a means to combat impunity in the context of common efforts to maintain international peace and security, to settle ongoing conflicts and to prevent the outbreak of new tensions.

Unfortunately the Court failed to fulfil the hopes invested in it, and never became a truly independent, authoritative international tribunal. Critically, the work of the Court in investigating the cases before it was characterized in a number of forums including the United Nations General Assembly and Security Council as ineffective and one-sided. It is telling that, in its 14 years of operation, the Court has passed only four sentences, at a cost of over one billion dollars.

Under these circumstances, the decision of the African Union to embark on developing a path towards a coordinated withdrawal of African States from the Rome Statute is understandable. Some participating States have already started such a process.

Russia could not fail to be alarmed by the reaction of the International Criminal Court to the events of August 2008. The Saakashvili regime's attack on peaceful Tskhinvali and the slaughter of Russian peacekeepers drew accusations from the Court against South Ossetian militia members and Russian soldiers. Eventual investigation of the actions and orders of Georgian officials was explicitly left to the discretion of Georgian justice, and remains outside the focus of the Prosecutor's Office of the International Criminal Court. This turn of events speaks for itself. It is hard to imagine trusting the International Criminal Court in such a situation.

The decision of the Russian Federation not to become a party to the Rome Statute of the International Criminal Court, in other words, to withdraw its signature from the Statute, carries legal consequences covered by the 1969 Vienna Convention on the Law of Treaties.